



Water Supply District of Acton

693 MASSACHUSETTS AVENUE
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Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, November 19, 2018

AGENDA

A. Comments from Citizens

B. Approve Minutes of October 29, 2018 Meeting

C. OLD BUSINESS:

1. Update on Powdermill Place 40B Project.

D. NEW BUSINESS:

1. Review DRAFT Budget for Fiscal Year '20.
2. Accept and Execute Municipal Note for Purchase of 585 Main Street.
3. Summary from the First Public Forum on Creating an Agricultural Commission Related to the "Right to Farm" Community Designation.
4. Town of Concord's Land Court Filing Related to Nagog Pond Water Rights.

Present at Tonight's Meeting:

Commissioners: Ronald Parenti (Chair), Stephen Stuntz, Erika Amir-Lin
District Manager: Chris Allen
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Environmental Manager: Matthew Mostoller
Commissioner's Secretary: Lynn Protasowicki
Finance Committee: Dave Butler via phone, Chuck Bradley, Bill Guthlein
WLMC: Barry Rosen
Green Acton - Kim Kastens & Lucy Kirshner

Citizens: Terra Friedrichs

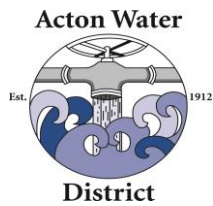
The Board of Water Commissioners meeting was called to order at 7:30 PM on Monday, November 19, 2018 at the Acton Water District office by Mr. Parenti.

A. Comments from Citizens

No comments tonight.

B. Approve Minutes of October 29th Meeting:

Mr. Stuntz motioned to approve the minutes of October 29, 2018. Ms. Amir-Lin seconded the motion and it was unanimously approved.



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C. Old Business:

1. Update on 2-4 Powdermill Place 40B Project.

Per the request of Mr. Parenti, Mr. Allen provided an update on the Powdermill Place 40B project here in Acton. Mr. Allen reminded the Commissioners that this project was discussed in an open meeting in March/April 2017 when the developer was looking for water supply. The District agreed to supply water to the entire development. The project was delayed due to determination of who would handle the waste water (either Acton or Maynard). Mr. Allen stated that originally, Maynard was supposed to take 100% of waste water but now it seems that the proponent is asking Acton to take it.

Enclosed in tonight's packet to the Commissioners is a copy of a letter from REMSERV to the Acton Town Manager and Board of Health and to the Maynard Town Manager and Board of Health providing full disclosure of the contamination of oil and hazardous materials at 2-4 Powdermill Road and actions they will take. There is also a copy of letter in tonight's packets that was sent in October from the District to Vincent Cuttone, EXVAC LLC, who is the owner of the Powdermill property making sure the license site professional is aware of the existing MCP guidance on testing for 1,4 dioxane at hazardous waste sites. In addition, the District is requesting that monitoring wells be installed during cleanup of the site to allow sampling the groundwater to determine if any contamination is migrating toward the District's south Acton wells. Also enclosed is a copy of letter from MassDEP to EXCAV regarding their responsibility of site cleanup at this property.

Mr. Allen attended a site meeting in August with Acton town officials, and there was a change in the design – originally, there was supposed to be an irrigation well, but that may change depending upon cleanup of the property. Mr. Mostoller stated that the water needs to be a potable source whether it's to be used for both pool and irrigation system. This alteration to the proposed water demand may require that the proponent submit an amendment to their "Water Impact Report", required by District regulations, and originally submitted back in March of 2017.

Ms. Kastens asked, how much water will the development use? Mr. Mostoller stated they we don't know because original estimates didn't include outdoor watering use.

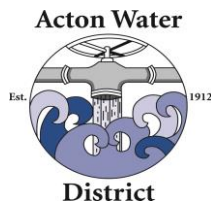
D. New Business:

1. Review DRAFT Budget for Fiscal Year '20.

Mr. Allen highlighted a few areas of the DRAFT budget for fiscal year 2020.

- Short term debt increase is related to 585 Main Street
- Long term debt dropping
- Slight increase in meters to maintain enough inventory to support new projects that will require meters (page 3)
- Under Information Reports - negotiating with Water Smart for a renewal of the agreement that expires in June of 2019. Mr. Allen mentioned that 31.7% of customers have registered for this service and we now have 4,000 customer emails. The plan is to renew the agreement with this 3rd party as the program has paid significant dividends in customer engagement, education and bill paying options.

Ms. Kastens asked, what are demand fees? Mr. Allen stated that the District charges the customer to connect a new service to the piping system.



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Mr. Allen highlighted a few of the warrant articles including:

- Mitigation fund - there will be a Bi-annual leak detection survey of the entire piping system where funds will be drawn from mitigation fund. Typically, these funds are appropriated from Surplus Revenue. Funding this type of activity is an appropriate use of Mitigation funds.
- New mains in Indian Village - The annual appropriation of \$500k will constitute the final payment to pay off the short-term borrowing.
- Treatment M&O to come from the WR Grace Receipt Reserved for Appropriation Account.

Ms. Bates stated that without voter approval the District cannot spend more than \$100K in Mitigation funds from the account that was established in 2018.

Mr. Allen highlighted the list of pending projects that have the potential for \$1.9 million in demand charges. These projects are known to us, but have not been formally applied for.

Deduction based on electrical demand of South Acton Treatment Plant - -\$175K from Lights, Power & Fuel (not included in any numbers). If the array is commissioned expeditiously, it may qualify for SMART Block 1, thus maximizing the lease revenue, potentially generating \$325k annually... Since this array is yet to be commissioned, and progress has been slow, the timing is currently unknown.

Mr. Allen will discuss the draft budget again at December 10th meeting and then would like the Commissioners to approve the budget by the second meeting in January. This allows enough time to publish the warrant and Annual Report for the Annual District meeting to be held on Wednesday, March 20th at the Acton Public Safety Facility.

Mr. Rosen, Chairman of the Water & Land Management Advisory Committee (WLMAC), worked on a spreadsheet that looked at cost and debt. He compared the District to 20 other water suppliers, some of whom get water from MWRA. He stated that, at the time, the most expensive was Lexington, but now the District is more expensive than them. Should we look at a regional solution for water supply? He stated that the District may want to re-examine its financial model, and funding of its Capital Improvement Plan. Mr. Parenti stated that if we want to consider connecting to MWRA for the future we should start looking at this, it is worth discussing. He asked Mr. Rosen to put together a presentation for a future open meeting to summarize his findings.

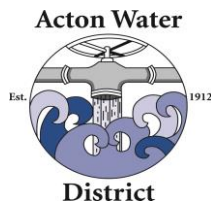
2. Accept and Execute Municipal Note for Purchase of 585 Main Street.

Mr. Allen stated that the District is borrowing money for the purchase of 585 Main Street. The bid was awarded to Century Bank & Trust Company for the municipal note of \$1,095,000.00 at a rate of 2.5%.

Mr. Stuntz moved to accept the municipal note for purchase of 585 Main Street, Acton. Ms. Amir-Lin seconded the motion and it was unanimously approved.

3. Summary from the First Public Forum on Creating an Agricultural Commission Related to the "Right to Farm" Community Designation.

Mr. Allen mentioned that there is a push in town to become a "Right to Farm" community. There was a public forum held on 11/15 which Commissioners Parenti and Amir-Lin attended. Mr. Parenti stated that he found the public forum very informative. He was initially concerned because it makes it more difficult to file nuisance suits but apparently it doesn't override anything the District does. Ms. Amir-Lin stayed for the presentation and the audience Q&A. She stated that there is an exploratory committee who visited surrounding towns that have an Agricultural Commission; these are all the towns who border Acton except for Maynard who is mainly



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industrial. She did state that during the forum water resources was never discussed; and other Commissions not involved in water resource. The Acton Agricultural Commission is interested in having a conversation with the District. She noted that the District should stay present and visible. The Agricultural Commission will have another forum in January.

Ms. Amir-Lin mentioned that she was asked by a farmer, "Does the District do pesticide regulation within our jurisdiction?" Mr. Mostoller stated no, we do not.

4. Town of Concord's Land Court Filing Related to Nagog Pond Water Rights.

Concord is taking legal action against the Littleton Electric Light & Water Department asking the Land Court to rescind all water rights given to Littleton by the Act of 1884. Mr. Allen stated that neither the District, nor the Town of Acton is named as a defendant in this lawsuit.

Counselor Bassett stated that Littleton has to either file an answer or file a motion to dismiss.

Mr. Stuntz asked should the Town of Acton rights to the Act of 1884 get turned over to the District because the Act was in place before the District was formed. Counselor Bassett said no, explaining that the District enabling act did not convey or allocate all water in the Town of Acton to the District; it gave the District power to purchase land etc. and with state permits, to construct and operate a water supply system.

Ms. Kastens asked Counselor Bassett why this is in Land Court and not in the Supreme Judicial Court. Counselor Bassett stated that this will probably be one of Littleton's arguments.

Ms. Amir-Lin would like to know how the District should approach this. Mr. Stuntz stated that the District should continue to support the Acts of 1884 and support the Town of Acton. The District needs to find out what the Acton Selectmen want. Mr. Allen stated that he will stay in contact with LELWD's General Manager and Littleton Town Counsel, Tom Harrington. Ms. Amir-Lin will stay in touch with Janet Adachi, Acton Selectmen and liaison to the District, to discuss the potential for a working group to discuss this topic and bring any recommendations to the respective boards.

Other Old Business:

1. Mr. Allen informed the Commissioners that the field pilot studies for Conant Wells 1 & 2 are complete using the Greensand Plus technology and biological filtration technology. The Engineer, Wright-Pierce, is writing the report which should be ready early in 2019, just after the New Year.

Mr. Parenti moved to adjourn the meeting at 9:25 PM and it was unanimously approved.